

# STAFF NOTES

Colonel Thomas H. Streicher, Jr., Police Chief June 17, 2003

	<u>ITEM</u>	SUBMITTED BY
1.	POLICE EXECUTIVE LEADERSHIP COLLEGE (PELC)	TRAINING SECTION
2	FIELD TRAINING OFFICER (FTO) IN-SERVICE TRAINING	TRAINING SECTION
3	CINCINNATI MUNICIPAL CODE 910-21, TRAINING BULLETIN 2003-3	TRAINING SECTION
. 4	ORDINANCE 0158-2003 AMENDING SECTION 910-12, IMPROPER SOLICITATION	PLANNING SECTION
5.	REVISED ORGANIZATIONAL CHART AND NARRATIVE	PLANNING SECTION
6.	REVISION OF PROCEDURE 12.225, VEHICULAR CRASH REPORTING	PLANNING SECTION
7.	REVISION OF PROCEDURE 19.145, EMPLOYEE PERSONNEL JACKETS	PLANNING SECTION

#### 1. POLICE EXECUTIVE LEADERSHIP COLLEGE (PELC)

The Police Executive Leadership College (PELC) is currently accepting applications for their programs scheduled to begin in 2004. There will be three PELC programs next year with the first program scheduled to begin on January 12, 2004. PELC is designed to strengthen the leadership, knowledge, and skills necessary to direct and manage the resources of a police agency. The program is comprised of three weeks of classroom work with significant outside writing assignments.

The PELC program is limited to Captains and above. Those interested should submit requests, through channels, to Mr. Theodore Schoch, Police Academy Director, by August 1, 2003.

#### 2. FIELD TRAINING OFFICER (FTO) IN-SERVICE TRAINING

The Police Academy will be conducting three sessions of FTO in-service training. The sessions will provide up to date training to prepare officers to better meet the needs of their assigned Probationary Police Officers.

The three scheduled dates are July 21, 22, and 23, 2003, from 0800-1600 hours at the Police Academy. Field Training Officers and FTO sergeants who desire to maintain their FTO status must attend one of the scheduled classes.

All requests should be routed through channels and sent to the Police Academy by July 4, 2003. Questions regarding the in-service training, FTO selection criteria or the Field Training Officer Program, should be directed to the Police Academy at line 352-3562.

### 3. CINCINNATI MUNICIPAL CODE 910-21, TRAINING BULLETIN 2003-3

On May 21, 2003, Cincinnati Council enacted a new section of Cincinnati Municipal Code (CMC) 910-21. The ordinance prohibits loitering with the intent to engage in unlawful drug-related transactions. A copy of the ordinance and Training Bulletin 2003-3 regarding the ordinance and enforcement are attached.

This ordinance takes effect June 20, 2003. All members

should review both the ordinance and the Training Bulletin thoroughly prior to any enforcement action. Questions on the ordinance should be directed to the City Solicitor's office, Mr. Ernie McAdams at 352-3332 or by pager at 269-2307. If Mr. McAdams is unavailable, contact Mr. Terry Cosgrove, at 352-3334.

# 4. ORDINANCE 0158-2003 AMENDING SECTION 910-12, IMPROPER SOLICITATION

City Council passed ordinance 0158-2003 amending CMC Section 910-12, Improper Solicitation. This became effective June 16, 2003.

The amended CMC section 910-12 requires individuals to register if they wish to solicit money, goods or any other form of gratuity from another person. Individuals must register at the Elm Street Health Center where they will receive a temporary permit. The Police Department will issue the regular permit.

<u>Attached</u> is a copy of the ordinance. All members should thoroughly review the ordinance prior to any enforcement action. There will be a 30-day grace period for enforcement to allow individuals to properly register.

### 5. REVISED ORGANIZATIONAL CHART AND NARRATIVE

A Disciplinary Advocate has been added to the Chief's Office and an organizational narrative has been included for this position.

<u>Attached</u> to these Staff Notes is a current copy of the Department's organizational chart and narrative.

### 6. REVISION OF PROCEDURE 12.225, VEHICULAR CRASH REPORTING

Procedure 12.225, Vehicular Crash Reporting has been revised. Section C.1.a.2 has been added to require a copy of the Ohio Traffic Crash Report OH-1 and both sides of the Hit Skip Supplement Report Form 533 be faxed to Traffic Unit at 352-2501.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure

is available on the Intranet and on the Department web page at <http://www.cincinnati-oh.gov/pages/-282-/>.

#### REVISION OF PROCEDURE 19.145, EMPLOYEE PERSONNEL JACKETS 7.

Procedure 19.145, Employee Personnel Jackets has been revised. Section C.3.c. has been deleted to reflect a new law titled the HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) which places restrictions on who is permitted to maintain health care benefit information and files. Files in police personnel are not considered health insurance documents which voids subsection c.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page at http://www.cincinnati-oh.gov/pages/-282-/

# Cincinnati Police Academy Training Bulletin



Loitering with the Intention of Committing Unlawful Drug Transactions - CMC 910-21

# 2003-3

June, 2003

## CMC 910-21

On May 21, 2003, City Council enacted new Section 910-21 of the Cincinnati Municipal Code. This new ordinance prohibits loitering with the intent to engage in unlawful drug-related transactions, specifies how the ordinance is to be enforced, and sets penalties for violation. CMC section 910-21 becomes effective June 20, 2003.

### **REFERENCES:**

CMC 910-21

Fixing Broken Windows (Kelling & Coles)

P.M. 12.554 Investigatory Stops and Field Interview Report (FIR)

# **Background**

Two Supreme Court decision, *Papachristour v. City of Jacksonville* in 1972, and *Kolender v. Lawson* in 1983, effectively struck down laws prohibiting simple loitering. In an attempt to control various forms of street disorder such as prostitution, panhandling, and drug sales, a number of jurisdictions have passed "Loitering with the purpose of" laws. While courts have struck down some of these laws, some have survived legal scrutiny and the Cincinnati ordinance has been carefully crafted to withstand

the type of legal challenges brought against "loitering with purpose of" laws in other jurisdictions.

## **Elements of the Crime**

The ordinance contains specific elements that must be used to prove "intention to commit unlawful drug transactions." The first element includes behaviors listed in section (d) (1), A through E. The second elements include those listed in section (d) (2) A through F.



Section (d) (1) A-E includes behaviors typically found in drug dealing situations such as -- The person passes or receives objects characteristic of drug transactions – money, envelope, bags, etc. or...The person attempts to conceal such objects or...The person flees or hides from police officers or...The person warns (whistles, etc.) others that police officers are approaching or...The person possesses an instrument or object used in the sale or use of controlled substances.

Section (d) (2) A-F includes factors related to the person themselves and/or the particular place where they are loitering -- The officer knows the person has a previous (within 3 years) drug conviction or...The officer has received a specific tip of drug related activity at the location in questions or...The location is notorious for drug related activity or...The officer observes the individual approach or communicate with an occupant of a vehicle and the vehicle is registered to an individual with a drug conviction (within past three years.)

It is critical that the person exhibits at least one element of each section (d) (1) and (d) (2). Once the elements are established the officer has reasonable suspicion to detain the individual for investigation of this offense.

Under 910-21, the suspect must be given an opportunity to explain his presence at the location and his behavior. After the explanation, if the officer believes the suspect was loitering with intent to commit drug transactions, he shall order the individual out of the area. The ordinance specifies the individual must remain at least 500 feet away from the location for at least five hours.

If the individual refuses to leave the area, he may be arrested. If the suspect leaves but returns to the area within five hours, he may be arrested.

First violation of 910-21 is a 4<sup>th</sup> degree misdemeanor. Repeat violations are 2<sup>nd</sup> degree misdemeanors. Violators should be cited to Room A, 14 to 21 days, at 0900.

# Example 1

Officers receive a radio run for drug activity. As they approach, the individual whistles as a warning to others. Officers check and the individual has a previous drug conviction (within 3 years.) After a chance to provide an explanation, and a warning by the officer, the person refuses to leave the area. That person may be charged under 910-21.

# Example 2

The officer receives a specific tip of drug activity at a certain location. On arrival, he observes a

person loitering in the area in a fashion reasonably similar to the tip information. He observes behavior that he believes is drug related. After a chance to provide an explanation, and a warning by the officer, the person leaves the area. An hour later, the officer observes the person back in the area. That person may be charged under 910-21.

## Example 3

The officer observes a person loitering in a notorious drug area. (These "notorious" locations can be identified by the crime analysis unit.) The person is behaving in a fashion that leads the officer to suspect drug activity. After a chance to provide an explanation, and a warning by the officer, the person leaves the area. Three hours later, the officer observes the person back in the area. That person may be charged under 910-21

### **Discussion**

This ordinance has the potential to be a very useful tool. It allows officers to promptly intervene in situations that pose a high risk of illegal drug activity

It is important for officers to remember that this is a tool that will allow officers to intervene in situations in which they **reasonably believe** that individuals are loitering with the intention of engaging in unlawful drug-related activity, even if reasonable suspicion does not exist for a stop or probable cause for arrest on a drug offense.

As officers begin to implement this tool in an enforcement arena, it is important to remember that the criteria outlined in the ordinance for enforcement are relatively specific. It is crucial for officers to use their discretion wisely and follow the guidelines in 910-21 as closely as possible.

Officers should make themselves familiar with 910-21 and the criteria involved in its enforcement. If officers employ 910-21 in a fair and effective manner, it may prove a useful tool in curtailing open-air drug dealing and help restore a sense of safety and well being within Cincinnati.

# City of Cincinnati

# J.L.J

# An Ordinance No.

<del>2</del>003

ENACTING new Section 910-21 of the Cincinnati Municipal Code to prohibit loitering with the intent to engage in unlawful drug-related transactions, to specify the manner in which such prohibition is to be enforced, and to provide penal measures for engaging in the prohibited conduct.

WHEREAS, residents, business owners and persons visiting the City have expressed growing concern about the frequency and openness with which illegal drug transactions occur in public parks and playgrounds, on public sidewalks, and in other public places in the City of Cincinnati; and

WHEREAS, residents of the City of Cincinnati have described numerous instances in which they have witnessed open-air drug transactions on the sidewalks and streets in front of their homes. Many residents have complained that they feel threatened by persons who loiter on the sidewalks and street corners to create opportunities to engage in such transactions, and have said they are afraid to go outside in their own yards and to walk in their own neighborhoods; and

WHEREAS, business owners have also described many occasions in which they have witnessed open-air drug transactions in front of their stores, and have stated that they, their patrons and their employees fear for their safety as a result of the frequency with which such transactions occur; and

WHEREAS, persons who live and work, and who otherwise have lawful business, in the City of Cincinnati, should feel free to utilize public parks, playgrounds, streets and sidewalks, and to enjoy their own properties, without fear of being harassed or victimized by persons engaged in, or seeking to engage in, drug-related transactions; now therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. <u>Legislative Findings</u>. That pursuant to public hearings held on December 10, 2002, and May 19, 2003, Council finds that legal procedures available to police officers on this date to investigate, assess and intervene in potential drug-related activity have proved ineffective to prevent open-air drug dealing in a number of Cincinnati neighborhoods; that the public comment at the public hearings on Section 910-

21 has provided compelling evidence that such open-air drug dealing is a public safety concern of the highest order in the City of Cincinnati, undermining the safety, livability and economic vitality of Cincinnati's neighborhoods and downtown; that enactment of Section 910-21 of the Cincinnati Municipal Code will provide a critical additional tool for police officers to use to systematically combat such drug dealing and undercut key aspects of the operation of illegal open-air drug markets, by allowing police officers to promptly intervene in situations that pose a risk of illegal drug activity; that enactment of Section 910-21 will allow police officers to intervene in situations in which they reasonably believe that individuals are loitering with the intention of engaging in unlawful drug-related activity, even if probable cause does not then exist for a stop or arrest for a drug offense under Chapter 2925 of the Revised Code; that enactment of Section 910-21 is necessary for the health, safety and welfare of residents of Cincinnati.

Section 2. That Section 910-21 of the Cincinnati Municipal Code is hereby enacted to read as follows:

# § 910-21. Loitering with the Intention of Committing Unlawful Drug Transactions.

- (a) Definitions. As used in this section:
  - (1) "Controlled substance" shall have the same meaning as that term has in Ohio Revised Code §3719.01(C)
  - (2) "Loiter" shall mean to sit, stand, lie, pace or otherwise remain in essentially the same place in a manner or at a time not usual for a law-abiding citizen.
  - (3) "Public place" means any area of property, either publicly owned or to which the public has access. The term shall specifically include, but not be limited to, a street, sidewalk, alley, park, playground, parking lot or garage, the doorway or entrance to any building that fronts such a location, and a motor vehicle that is parked or idling in such a location.

- (4) "Unlawful drug-related activity" means conduct which constitutes an offense defined in Chapter 2925 of the Ohio Revised Code; conduct which constitutes complicity to commit such an offense by, for example, acting as a lookout; or conduct which constitutes conspiracy to commit such an offense.
- (b) Offense. It shall be unlawful for any person to loiter in a public place with the intention of engaging in unlawful drug-related activity.
- (c) A police officer who observes a person loitering under circumstances which provide the officer with a reasonable basis to believe that the person intends to engage in unlawful drug-related activity may detain the individual for the purpose of investigating whether the person is in violation of (b).
- (d) A police officer may not detain an individual under (c) unless both of the following elements are satisfied:
  - (1) The person engages in one or more of the following behaviors:
    - (A) The person passes or receives from passers-by, bystanders or persons in motor vehicles money, objects having characteristics consistent with controlled substances, and/ or an envelope, bag or other container which could reasonably contain such objects or money.
    - (B) The person conceals or attempts to conceal an object having characteristics consistent with controlled substances and/or an envelope, bag or other container which could reasonably contain such objects.
    - (C) The person flees or obscures himself upon seeing law enforcement officers.
    - (D) The person communicates the fact that law enforcement officers are in the vicinity to another person in a manner which suggests that the communication is a warning.
    - (E) The officer observes the person in possession of any instrument or object which is customarily used in the sale, administration or use of controlled substances.

and

(2) One of the following factors applies:

- (A) The officer is aware that, within the preceding three years, the person has been convicted or found delinquent of an offense defined in Chapter 2925 of the Ohio Revised Code, of complicity to commit such an offense, or of conspiracy to commit such an offense within the preceding three years.
- (B) The officer has knowledge of a specific tip concerning unlawful drug-related activity at a specific location, and the person who is loitering is doing so at a time, in a place or in a manner that is otherwise reasonably similar to the details provided in the tip.
- (C) The person is loitering in an area that is notorious for unlawful drug-related activity.
- (D) The person is in an area where he is prohibited by court order from being, and the officer is aware of the court order.
- (E) The officer knows that the person has previously been convicted of loitering with the intention of engaging in unlawful drug-related activity under this section.
- (F) Any vehicle the person has approached or communicated with is registered to an individual who has been convicted of an unlawful drug-related activity in the previous three years, and the officer is aware of that fact.
- (e) Neither the race or ethnic background of the person nor the racial or ethnic makeup of the neighborhood within which the person is loitering shall be considered in determining a person's specific intent under this section.
- (f) Upon detaining a person pursuant to (c), a police officer must afford the person an opportunity to explain his conduct or otherwise to dispel the officer's suspicion. No person shall be convicted upon trial if it appears that the officer failed to do so, and no person shall be convicted upon trial if it appears that the explanation he provided the officer at the scene is true and disclosed a lawful purpose.
- (g) If a police officer who detains a person pursuant to (c) develops probable cause to believe that the person is in violation of (b), the officer shall order the person to immediately leave the location and to remain at least five-hundred (500) feet away from the location for five hours. In the event that the person refuses to comply with such an order, the police officer may arrest the person and charge him with a violation of this section.

(h) Penalty. Whoever violates this section is guilty of loitering with the intention of engaging in unlawful drug-related activity, a misdemeanor of the fourth degree. If any offender has previously been convicted under this section, violation of this section is a second degree misdemeanor.

Section 3. <u>Severability</u> – In case any one or more of the provisions contained in this ordinance shall be declared invalid, illegal or unenforceable in any respect, the validity, legality or unenforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

Section 4. This ordinance shall take effect and be in force from and at the earliest time allowed by law.

Passed:		
	Mayor	
Attest: Dunda U	lliam	
Actives Clerk		

# 200306850 City of Cincinnati

R.D.H.

# An Ordinance No.

- 2003

1000年

MODIFYING the provisions of Chapter 904, Miscellaneous Misdemeanors, of the Cincinnati Municipal Code by amending Section 910-12, "Improper Solicitation," to require a registration requirement for solicitation which will further the public safety of citizens using the public sidewalks and streets.

WHEREAS, persons should be free to move freely upon the streets and sidewalks of the City of Cincinnati without undue interference or intimidation from other persons; and

WHEREAS, the public welfare is promoted by safe, inviting and economically healthy areas designated for commerce in the downtown area and in the neighborhoods that attract people to shop, work and visit. These areas provide safe, inviting and easy access to goods, services, and employment opportunities, and they generate the tax revenue necessary to support essential public services and the economic productivity that is required to maintain and improve property within the City of Cincinnati; and

WHEREAS, public safety requires the imposition of reasonable manner and place restrictions on solicitation, while respecting the constitutional right of free speech for all citizens; and

WHEREAS, a registration requirement for solicitation will assist in providing public accountability for acts of aggressive solicitation but will not improperly impair an individual's right to engage in constitutionally-protected solicitation in public areas within the City of Cincinnati; and

WHEREAS, a registration requirement will allow for the provision of humanitarian services to those registered, who might not otherwise receive aid from available governmental and social agency sources; and

WHEREAS, registration requirements have been used by other jurisdictions to increase public confidence in the right to travel upon municipal streets and sidewalks;

WHEREAS, first-time offenders of the registration requirement will be issued a warning citation by the issuing officer, which will be recorded at the Department of Health, but such first-time offenders will not be charged with a violation of this section; and

WHEREAS, this ordinance includes a provision that establishes that purely passive forms of solicitation such as requesting donations with a sign are allowable at all times, and that such purely passive acts would not be subject to the registration requirement; now therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. Legislative findings. [Ordinance to be amended, as appropriate, following a public presentation by the Police Department regarding the necessity of a registration requirement.]

Section 2. That Section 910-12 of the Cincinnati Municipal Code is hereby amended to read as follows:

## § 910-12. Improper Solicitation

- (a) Definitions. For purposes of this section, the following terms shall be defined as set forth below:
- (1) "Solicit" and "Solicitation" mean to make any request in person while in a public place, for an immediate grant of money, goods or any other form of gratuity from another person(s), or to engage in such activity on private property.

However, the terms "solicit" and "solicitation" shall not mean the act of passively standing or sitting with a sign or other indicator that a donation of money, goods or any other form of gratuity is being sought without any vocal request other than a response to an inquiry by another person.

- (2) "Public place" means a publicly owned building and premises appurtenant thereto, any public park, sidewalk or other right of way open to the general public and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, skywalks and streets.
  - (b) It is unlawful for any person to solicit in the following places:
    - (1) In any public transportation vehicle or at any bus stop;
- (2) Within 20 feet in any direction from an automatic teller machine or entrance to a bank;
- (3) From any operator or occupant of a motor vehicle or from any person entering or exiting a motor vehicle;
  - (4) Within 20 feet of any crosswalk;
- (5) From a person standing in line waiting to be admitted to a commercial establishment; or
  - (6) On private property without permission from the owner.

- (c) It is unlawful for any person to solicit after sunset or before sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.
- (d) It is unlawful for any person to solicit in an aggressive manner, including any of the following actions:
- (1) Soliciting in a manner that impedes access to or from, or use of a building, vehicle or establishment;
- (2) Soliciting in a manner that would alarm, intimidate, threaten, menace, harass, or coerce a reasonable person;
- (3) By following behind, ahead or alongside, blocking the path of, or continuing to solicit a person who walks or drives away from the person soliciting or who gives notice or demonstrates verbally or physically that such solicitation is offensive, unwelcome or that the solicitation should cease;
- (4) By using profane or abusive language or gestures either during the solicitation or following a refusal, or making any statement, gesture or other communication that would cause a reasonable person to be fearful or would be perceived as a threat; or
- (5) By touching the solicited person without a statement, gesture or other communication that the person being solicited consents to the touching.
- (e) It is unlawful for any person to knowingly make a false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to the following:
- (1) Stating that the donation is needed to meet a specific need, when the person soliciting already has sufficient funds to meet that need and does not disclose that fact:
- (2) Stating that the donation is needed to meet a need that does not exist;
- (3) Stating that the person soliciting is from out of town and stranded, or that he or she is homeless when that is not true;
  - (4) Stating or representing that the person soliciting is a member of a military service when the person soliciting is neither a present nor a former member of a military service;
- (5) Stating or representing that the person soliciting suffers from a mental or physical disability or deformity when the person soliciting does not suffer the disability or deformity indicated; or

(f) It is unlawful for any person to solicit without possession of a valid registration issued by the Police Department. Any person who has been registered shall keep a copy of the registration on his or her person at all times while engaging in acts of solicitation and shall show it to any police officer upon request. No person whose registration has been revoked shall engage in acts of solicitation within the City of Cincinnati for a period of eighteen (18) months following the revocation.

The Police Chief or his designee shall issue the registration, without fee, to any eligible person who presents himself or herself at the registration location to be designated and operated by the Health Department, states his or her true name, presents a photo identification or signs a declaration under penalty of perjury that he or she has no such identification, and permits himself or herself to be photographed. The regular registration shall expire one (1) year from the date of issuance.

Upon receipt of an application for registration that is in accordance with this section, the Police Department shall issue a temporary registration valid for ten (10) days and shall determine eligibility for a regular registration before the temporary registration expires. An eligible applicant shall receive a regular registration upon determination of the applicant's eligibility. If such determination is not made within the ten-day period, the temporary registration shall remain in effect until such time that the determination is made.

The regular registration shall be sent by U.S. mail to the address as provided by the applicant, or pursuant to procedures as established by the Police Department. Along with the regular registration, the Police Department shall provide the applicant with a copy of this section.

No person shall make a false or misleading representation while applying for registration under this section.

First time offenders of the registration requirement will be issued a warning citation by the issuing officer, which will be recorded at the Police Department, but such first-time offenders will not be charged with a violation of this section. Subsequent violations of the registration requirement will result in a charge of violation of this section.

- (g) A person is ineligible to register if, and only if, within the past eighteen (18) months, he or she has (1) been previously convicted of a violation of Section 910-12 of the Cincinnati Municipal Code; or (2) has had a registration revoked pursuant to section (h) of this ordinance; or (3) has been convicted of an offense under the laws of any jurisdiction which involve aggressive or intimidating behavior while engaging in solicitation.
- (h) The Police Chief or his designee shall revoke any registration issued under this section to a person who has been convicted of a violation of Section 910-12 of the Cincinnati Municipal Code within the past eighteen (18) months. Upon any arrest for any violation of this section, the arrested person shall release to the arresting officer any registration issued under this section to the arrested person. The arrested person may apply at the registration location designated and operated by the Health Department for

consecutive thirty-day temporary registrations pending adjudication of the arrest case. Such temporary registrations shall be issued to the arrested person during pendency of the arrest case under this section.

- (i) Any applicant shall have the right to appeal the denial or revocation of registration by immediately requesting review by the Office of Administrative Hearings of the City of Cincinnati. The appeal to the Office of Administrative Hearings shall be taken by the applicant or registration holder within ten (10) days after issuance of the notice of denial or revocation by filing written notice of appeal with the Police Chief at 310 Ezzard Charles Drive, Cincinnati, Ohio 45202, which shall be immediately provided to the Office of Administrative Hearings. The Office of Administrative Hearings shall consider the appeal within a reasonable time period as set forth within its regulations. The Office of Administrative Hearings shall direct that the denial or revocation be rescinded if the applicant has met all of the qualifying criteria set forth in this section. The applicant or registration holder may appeal the decision of the Office of Administrative Hearings to the Court of Common Pleas of Hamilton County pursuant to Chapter 2505 of the Ohio Revised Code.
- \*\*1\*\*(i) Each section and each part of each section of this ordinance is hereby declared to be an independent section and part of a section and, notwithstanding any other evidence of legislative intent, that if any section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those to whom it is held invalid, shall be affected thereby, and it is hereby declared to be the legislative intent that the provisions of this ordinance would have been adopted independently of such section, sections or parts of a section so held invalid.
- \*\*2\*\*(k) Whoever violates this section is guilty of a misdemeanor of the
- Section 3. Code is hereby repealed. That existing Section 910-12 of the Cincinnati Municipal
  - Section 4. That subsections (f), (g), (h), and (i) of new Section 910-12 of the Cincinnati Municipal Code shall expire 12 months after passage of this ordinance.

Section 5. <u>Severability</u>: In case any one or more of the provisions contained in this ordinance shall be declared invalid, illegal or unenforceable in any respect, the validity, legality or unenforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

Section **b** That existing Section 910-12 of the Cincinnati Municipal Code is hereby repealed.

Section 7. That this ordinance shall go into effect from and after the earliest time allowed by law.

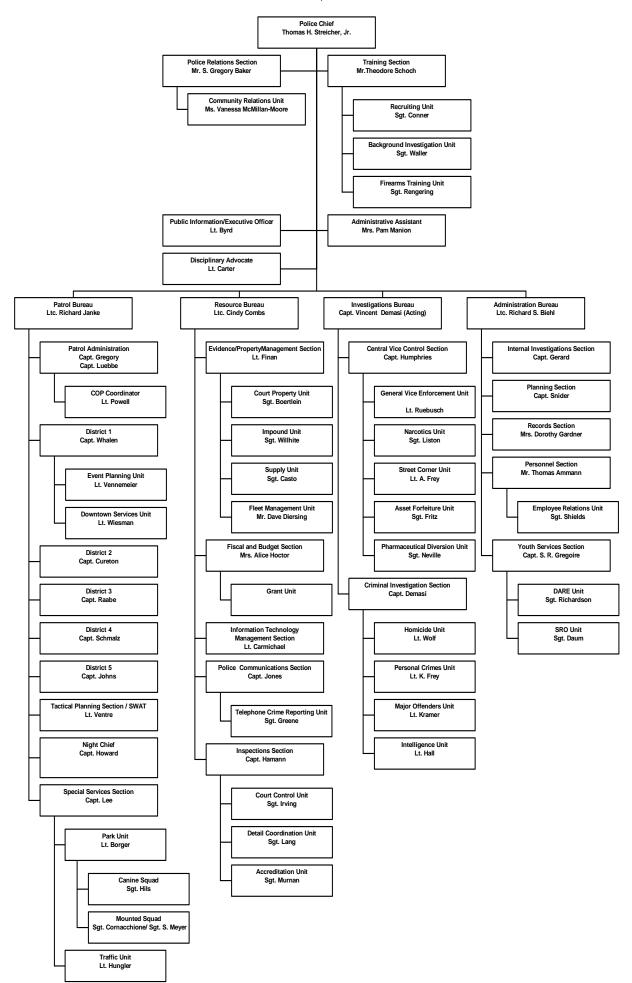
THE WAST

Passed:	A.D., 2003
Attest:	Mayor
Clerk	

New language underscored. Language deleted is indicated by asterisks, as follows:

- (f)
- \*\*2\*\*
- (g)

## **Cincinnati Police Department**



# THE CINCINNATI POLICE DEPARTMENT ORGANIZATIONAL NARRATIVE

# June 17, 2003

The Police Department is the primary law enforcement agency of the City, existing under provisions of Article IV, Section 3, of the Administrative Code of the City of Cincinnati.

The primary responsibilities of the Police Department are:

- Prevention of crime
- Protection of life and property
- Suppression of criminal activity
- Apprehension and prosecution of offenders
- Regulation of non-criminal conduct
- Preservation of public peace

Under the command of the Police Chief, the Police Department's responsibilities are divided among four bureaus: Patrol, Resource, Investigations, and Administration.

### MISSION STATEMENT

The mission of the Cincinnati Police Department is to work in partnership with the citizens of the community to provide a safe environment where the quality of life may be improved through the delivery of fair and impartial police services.

### **VALUES**

We value human life and dignity.

We value integrity as the basis for community trust.

We value the fair and impartial enforcement of Federal, State, and Local Laws and the rights of the accused.

We value professional excellence.

We value all members of the Department, both sworn and civilian.

June 17, 2003 2

### **EXECUTIVE OFFICE**

he <u>POLICE CHIEF</u> is responsible for Police Department operations. The Chief coordinates, organizes, directs, and controls activities. The Chief also implements policy and makes necessary personnel and procedural changes to ensure the effective operation of the Department. Bureau commanders, the Public Information/Executive Officer, the Disciplinary Advocate, the Administrative Assistant, the Police Relations Section Executive Manager and the Training Section Director are directly accountable to the Police Chief.

The POLICE RELATIONS SECTION, directed by an Executive Manager, is responsible to the Police Chief for developing policy as it relates to public safety and policing issues. Areas of responsibility and focus include community relations. Also responsible for the City and Department implementation and compliance with the terms and conditions contained within the U.S. Department of Justice Memorandum of Agreement and the Collaborative Agreement. The Executive Manager of Police Relations Section serves as the Cincinnati Police Department Compliance Coordinator for the U.S. Department of Justice Memorandum of Agreement and Departmental liaison to the Independent Monitor.

The <u>Community Relations Unit</u> provides assistance to the Executive Manager of Police Relations on activities and projects that facilitate the implementation of the terms and conditions of the U.S. Department of Justice Memorandum of Agreement and Collaborative Agreement. The unit is responsible for

coordinating community involvement in Police Department operations with the goal to reduce crime and improve citizen and police safety.

The **EXECUTIVE OFFICER** is a lieutenant who serves as an aide-de-camp to the Police Chief. He becomes familiar with the daily activities of the command staff, including their decision making process and operating procedures. He attends staff and special meetings, reviews and coordinates written correspondence and performs other duties as directed by the Police Chief. He is also in charge of the Public Information Office.

<u>Public Information Office</u> is the Department's liaison with the media. This office prepares press releases and facilitates general and internal Police Department communications.

The <u>DISCIPLINARY ADVOCATE</u> is a lieutenant who has the responsibility to monitor and review the overall effectiveness, efficiency and fairness of discipline and corrective action taken within the Department. The responsibilities include ensuring consistent treatment, identifying any patterns of disparate treatment and apprising the Police Chief of any actions that appear to be unfair or inequitable.

The <u>ADMINISTRATIVE ASSISTANT</u> coordinates Department affairs affecting the Police Chief's Office. The Assistant is the liaison between the Police Chief, bureau commanders and other City agencies. The Assistant attends staff and special meetings,

June 17, 2003 4

reviews and coordinates written correspondence, and performs other duties as directed by the Police Chief. The Assistant also serves as the contact person for the various community and business groups. A civilian Administrative Specialist fills this position.

The <u>TRAINING SECTION</u>, directed by a civilian Director, develops and conducts training programs for the Police Department. This includes recruit, in-service and firearms training in both live fire and the firearms simulator (FATS). Training Section conducts training in the areas of supervision, management, physical fitness, self-defense, officer survival, interpersonal skills, legal issues and current topics. The Training Section coordinates numerous outside training requests, FBI training programs and computer training programs. The staff produces training memos and training video programs for Department use at roll calls. Training Section also conducts the Citizen Police Academy, Student Police Academy, and oversees the Police Intern/Cadet program.

**Recruiting Unit,** supervised by a sergeant, is responsible for the coordination of the police recruit selection process. The Recruiting Unit assists the City Human Resources Department with recruiting and testing of applicants.

**Background Investigation Unit**, supervised by a sergeant, is responsible for conducting background investigations for the Police Department and some other City departments.

June 17, 2003 5

Firearms Training Unit is supervised by a sergeant. The unit is responsible for the Department's live firearms training. The unit conducts annual firearms qualifications for all sworn personnel and firearms instruction for police recruits. It inspects, repairs, and evaluates Department firearms and makes recommendations on appropriate ammunition for Department use.

## PATROL BUREAU

he Patrol Bureau is commanded by an assistant chief. This bureau performs all primary police functions. Bureau personnel respond to citizen requests for police assistance, enforce criminal and traffic laws, investigate criminal activity, take offense reports and regulate non-criminal conduct. It consists of the five police districts, a Night Chief, Patrol Administration, Community Oriented Policing, Tactical Planning Section/SWAT and Special Services Section.

**DISTRICTS:** The City of Cincinnati is divided into five police districts, each commanded by a captain who is responsible for operations and personnel deployment. Police officers assigned to the districts for uniform patrol activity are generally divided into three fixed shifts. Each shift is commanded by a lieutenant. The first shift has starting times of 0600 and 0700 hours. The second shift has starting times of 1300, 1400, or 1500 hours, depending on service demands of that district. The third shift has starting times of 2200 or 2300 hours.

The second shift is supplemented by an early power shift and has a starting time between 1000 and 1300 hours. Third shift is supplemented by a late power shift and has a starting time between 1900 and 2100 hours. This increases field strength during early afternoon and evening hours when the service demand is higher.

June 17, 2003 7

The districts provide uniformed patrols in a variety of ways. In addition to marked vehicle and foot patrols, each district contains a Mountain Bike Squad. These officers provide a full range of police services. The district efforts are supplemented by mounted and canine patrols.

Each district has an investigative unit commanded by a lieutenant. This unit investigates crimes occurring within the district. When necessary, the unit coordinates these investigations with the Criminal Investigation Section (CIS) of the Investigations Bureau.

Each district fields a Neighborhood Squad, which is supervised by a sergeant with officers assigned to each individual neighborhood. These officers perform the full range of police duties in addition to serving as a liaison with the community. The neighborhood officer is the linchpin of the Community Oriented Policing effort.

Each district fields a Violent Crimes Squad (VCS) consisting of seven officers and a sergeant. VCS officers concentrate on responding to and investigating reports of violent crimes. They also serve outstanding warrants to arrest and incarcerate the subjects committing these violent crimes.

Each district assigns officers to perform specialized law enforcement tasks that include crime prevention, community relations, vice enforcement activities, traffic control, crime analysis and warrant service.

Event Planning Unit, commanded by a lieutenant, plans for police presence at special events, coordinates the response of all City departments and handles permits. As the vast majority of these major events occur in the downtown and riverfront area, the Event Planning Unit is organizationally placed in District One. Should a major event occur in another district, the Event Planning Unit assists that district's personnel in ensuring a proper police presence is maintained.

Downtown Services Unit is commanded by a lieutenant and staffed with personnel who are responsible for the policing of the Central Business District. Uniformed patrol officers who are assigned to this unit provide a police presence to the Downtown neighborhoods. Through the use of foot, bicycle, and motorcycle patrols, officers will be able to interact with downtown merchants, residents and customers.

**PATROL ADMINISTRATION**, commanded by two captains, coordinates and reviews reports and other information submitted by the districts and night chief. He serves as the deputy commander of the Patrol Bureau and, for administrative purposes, supervises the COP Coordinator.

Community Oriented Policing (COP) Coordinator is a lieutenant responsible for the progression of the COP philosophy in the Department. The COP Coordinator guides the districts' COP sergeants and neighborhood officers as they work to develop neighborhood based collaboratives with citizens. The COP Coordinator serves as the clearinghouse for information on community policing.

The **NIGHT CHIEF** is responsible for providing a command presence for the Police Department during the evening and overnight hours. This captain position carries Department-wide responsibilities.

### TACTICAL PLANNING / SPECIAL WEAPONS AND TACTICS (SWAT)

commanded by a lieutenant, engages in planning and preparation for critical incidents including terrorist threats and civil disorder. Other functions include acting as a liaison with businesses, organizations, and government agencies, training Department and City personnel, and acquiring and deploying new strategies and equipment. All SWAT officers have full time responsibilities in the various districts, sections and units. SWAT trains as a unit on a regular basis and responds to hostage, barricaded person and other high-risk situations as needed. SWAT is composed of two elements - Tactical and Negotiations. These units compliment each other and both report to the SWAT Commander.

**SPECIAL SERVICES SECTION**, commanded by a captain, is responsible for the Park and Traffic Units.

**Park Unit**, commanded by a lieutenant, is responsible for patrol of the City's 141 park areas, which encompass 4,765 acres of land. This unit is committed to providing a more visible police presence and improving safety in City parks.

Other responsibilities include response to citizen requests for assistance,

enforcement of criminal and traffic laws, regulation of non-criminal conduct, reporting incidents and offenses, investigation of criminal activity and enforcement of park rules. The Park Unit is responsible for the planning and coordination of events in the parks. The Park Unit Commander is also responsible for the supervision of the Canine and Mounted Squads.

<u>Canine Squad</u>, supervised by a sergeant, is responsible for assisting district officers in high-risk search situations. On a cooperative basis, in conjunction with the mutual aid agreements, the canine teams can be used by other police agencies within Hamilton County, with approval of a command officer.

Mounted Squad, supervised by two sergeants, directs all equestrian activities including scheduling, training, stable management, veterinary and farrier services. The Mounted Unit provides an added dimension to policing: visibility, mobility and travel into areas not accessible by any other vehicles. Mounted Unit officers patrol all areas of the City, including the downtown business district, with emphasis on Fountain Square and the Central Riverfront. The unit is also available to provide special services to the districts upon request.

<u>Traffic Unit</u>, commanded by a lieutenant, is responsible for coordinating the Department's traffic efforts. It has staff supervision over the Department's

selective enforcement program and other specialized traffic related programs. The responsibilities of this unit include radar and intoxilyzer training and certification, fatal accident investigation, assisting the Federal Aviation Administration (FAA) and the Ohio State Patrol (OSP) in aircraft crash investigations and assisting the Ohio Department of Natural Resources (ODNR), Division of Watercraft, in boat crashes. The unit also acts as a liaison and an implementation site for state programs such as the seat belt and holiday drunk driving programs. The unit supervises and coordinates private police officers, school crossing guards and the Public Vehicles/Private Police Squad.

## **RESOURCE BUREAU**

This bureau, commanded by an assistant chief, performs a variety of functions that support the operation of the Department. It oversees the operation of the Evidence/Property

Management Section, Fiscal and Budget Section, Information Technology Management

Section, Police Communications Section, and Inspections Section. It is responsible for maintaining auxiliary services, which include answering citizens' calls for police, fire and emergency medical services, budgeting, upgrading/maintenance of computer systems and World Wide Web page construction and management.

**EVIDENCE/PROPERTY MANAGEMENT SECTION**, commanded by a lieutenant, is responsible for any property held by the Department for the courts or other purposes.

Court Property Unit, supervised by a sergeant, tracks, maintains custody, and disposes of items found, confiscated, forfeited or held as evidence. It is responsible for auctioning unclaimed property and for the destruction of drugs and

weapons.

<u>Impound Unit</u>, supervised by a sergeant, receives, secures, and disposes of impounded and seized vehicles. These originate from DUI and suspension arrests as well as law violations. It auctions unclaimed and forfeited vehicles, and

exercises supervision of private towing companies on the police rotation towing list.

<u>Supply Unit</u> is supervised by a sergeant. This unit orders, receives, stores and distributes items needed by the Department to maintain normal operations. This responsibility includes paper forms, firearms and related equipment as well as uniform orders and maintenance. This unit receives supply requisitions from the other Department units and directs an annual inspection of uniform parts and other Department issued equipment.

Fleet Management Unit is managed by an Automotive Equipment Supervisor who ensures the vehicular needs of the Department are met. The unit plans for future vehicular needs, maintains a liaison with the Division of Fleet Services and monitors vehicle usage by Department personnel. This is accomplished by maintaining records of mileage, service, accidents and damage involving Department vehicles, as well as from periodic and special reports.

FISCAL AND BUDGET SECTION is directed by a civilian Supervising Accountant.

The primary functions are the preparation and administration of assigned program budgets and the effective control and audit of the Department's expenditures. Other functions of this section include administration and maintenance of all the Department's payroll records, review, analysis and approval of all financial documents, and coordinating the Department's capital improvements. It controls financial statements and

reports for the Department's general operating and restricted purpose funds and enforcement of the City's false alarm and direct alarm system ordinances. The alarm enforcement responsibilities include issuing warning letters and penalty notices, recommending charges be initiated against individuals and businesses that have excessive false hold up and burglar alarms, collecting fines and responding to penalty appeals from subscribers.

The <u>Grant Unit</u> is commanded by a lieutenant. It is responsible for reviewing current publications for available funding, preparing and submitting grant applications and administering the grant programs. They also monitor and audit all of the grant projects.

INFORMATION TECHNOLOGY MANAGEMENT SECTION, commanded by a lieutenant, assists and supports all levels of the Department in planning, installation and utilization of information technology. It is responsible for fulfilling the computer/technology needs of the Police Department, including business computers, networking, application services, etc. This unit also coordinates and serves as a focal point for the communications between the Internet worldwide community and the Police Department. The section commander represents the Department at information technology related meetings.

<u>COMMUNICATIONS SECTION</u>, commanded by a captain, operates a combined police, fire and EMS radio communications system. The section receives all citizen

requests for police, fire and emergency medical service. All police operations are dispatched from this section. Reports of stolen and recovered vehicles and license plates are processed by this section. Dispatchers use computer aided dispatching (CAD) and an enhanced 911-phone system. The unit also coordinates the use of Department telephones (including cellular), pagers and MDTs. The section maintains computer interface with the National Crime Information Center (NCIC), Ohio Law Enforcement Automated Data Systems (LEADS) and the Regional Crime Information Center (RCIC). The section maintains a teletype service to all local news media. Police Communications Section provides intra-Department mail service.

<u>Telephone Crime Reporting Unit (TCRU)</u>, supervised by a sergeant, receives and processes minor complaints and offense reports by telephone.

INSPECTIONS SECTION, commanded by a captain, monitors the activity of the Department through staff inspections and unannounced inspections conducted on a random basis. The Inspections Section also coordinates the Department's random drugtesting program. At the annual uniform inspection, this section monitors the condition of issued equipment and ensures compliance with Department dress and grooming standards. Inspections Section also conducts critical reviews of all use of force incidents and serves as the Department's central record repository for all use of force incidents. This section is also responsible for ensuring the Department meets CALEA standards.

<u>Court Control Unit</u>, supervised by a sergeant, maintains a liaison with the local judiciary and manages police officer attendance in court by monitoring officers' court appearances. This unit verifies attendance, time spent in court by officers, as well as ensuring the Police Department dress and grooming standards are met. The Court Control supervisor randomly visits courtrooms to monitor officers' testimony and case preparation.

<u>Detail Coordination Unit</u>, supervised by a sergeant, coordinates all outside employment extension of police service details. This unit also maintains the Police Department's outside employment activity records for all officers. These records are reviewed monthly to ensure compliance with Department policy. The Detail Coordination Unit supervisor also conducts audits and random inspections of outside employment details.

Accreditation Unit, supervised by a sergeant, is responsible for the daily activities required to maintain the Department's accredited status by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The unit develops and maintains the required proofs of compliance, functions as a liaison with the other Department components regarding accreditation matters, and is the liaison between the Department and CALEA.

## **INVESTIGATIONS BUREAU**

his bureau is commanded by an assistant chief. It consists of the Central Vice Control
Section and the Criminal Investigation Section. This bureau handles investigations and
gathers intelligence involving vice activity, homicides, sex crimes, crimes against
children and property crimes.

**CENTRAL VICE CONTROL SECTION**, commanded by a captain, is responsible for the operation of the General Vice Enforcement Unit, Narcotics Unit, Street Corner Unit, Asset Forfeiture Unit, and Pharmaceutical Diversion Unit.

General Vice Enforcement Unit, commanded by a lieutenant, enforces laws related to liquor, prostitution, gambling, drugs, obscenity, pornography and regulatory violations. It coordinates Department enforcement activity in these areas and provides a central repository for related records and vice intelligence information.

<u>Narcotics Unit</u> personnel are assigned to the Regional Narcotics Unit (RENU), a multi-agency organization investigating primary sources for the suppliers of illicit drugs into Greater Cincinnati.

<u>Street Corner Unit</u>, commanded by a lieutenant, is responsible for undercover personnel working specifically on street drug sales.

**Asset Forfeiture Unit,** supervised by a sergeant, is responsible for assuring all seized and/or forfeited assets are appropriately processed through the federal and local court systems.

**Pharmaceutical Diversion Unit,** supervised by a sergeant, is responsible for the investigation of illegal diversion of pharmaceutical drugs and health care fraud.

These investigations focus on health care professionals who are diverting drugs.

<u>CRIMINAL INVESTIGATION SECTION (CIS)</u>, commanded by a captain, is comprised of the Homicide Unit, Personal Crimes Unit, Major Offenders Unit and Intelligence Unit.

Homicide Unit, commanded by a lieutenant, investigates homicides, all violent or suspicious deaths, fire deaths, police shootings, police use of force resulting in hospitalization, prisoner's death while in custody, potentially fatal assaults, felony patient abuse and neglect cases, kidnapping and abduction. The Homicide Unit maintains a central file of confiscated weapons. The unit administers the Department's Robbery Apprehension Program (RAP). The unit is the Department's liaison with the Hamilton County Coroner's Office. The Homicide Unit is also responsible for the direct supervision of the Criminalistics Squad.

<u>Personal Crimes Unit</u>, commanded by a lieutenant, is responsible for investigating rapes and other sexual assault offenses, missing persons, child stealing and certain other crimes against children. It acts as a liaison with the Hamilton County Juvenile Court and other social support organizations. The unit also coordinates and schedules all polygraph and computer voice stress analyzer examinations.

Major Offenders Unit is commanded by a lieutenant. It coordinates citywide investigative efforts for burglary, auto theft, fencing of stolen property and organized criminal activity. The unit is responsible for the operation of the Financial Crimes Squad which conducts investigations of financial institution robberies, fraud, forgery, credit card fraud, check embezzlement, extortion, coercion and bribery offenses. The unit administers the Crimestoppers and Rapid Indictment programs.

Intelligence Unit, commanded by a lieutenant, gathers, analyzes, stores and disseminates information concerning organized crime, terrorist activity and criminally violent groups. The unit monitors threats against public safety, threats against public officials and threats against police officers. It maintains a network of communication with regional and national intelligence organizations.

# **ADMINISTRATION BUREAU**

This bureau is commanded by an assistant chief who coordinates and performs inter-bureau planning tasks and conducts special research evaluation studies. This bureau consists of the Internal Investigations Section, Planning Section, Records Section, Personnel Section, Youth Services Section and Special Projects. It is responsible for the DARE Program and School Resource Officer Program.

**INTERNAL INVESTIGATIONS SECTION**, commanded by a captain, is responsible for investigating citizen complaints of a serious nature, complaints of alleged police misconduct, and use of force incidents that result in serious injury or death. This section coordinates pre-disciplinary hearings in conjunction with the Department hearing officer(s) and coordinates investigation of complaints referred by the Citizen Complaint Authority.

**PLANNING SECTION,** commanded by a captain, is responsible for planning, research, and the development of programs that maximize the effective use of Department personnel and resources. Planning Section is also responsible for developing forms and procedures, conducting legal research, long-range planning, crime analysis and mapping.

**RECORDS SECTION**, directed by a civilian Director, receives, reviews and files most criminal offense reports, auto accident reports and related records. This includes reports

June 17, 2003 21

of offenses committed, criminal and traffic arrests, missing persons, homicides and gun registrations. It is responsible for maintaining the Department's computerized criminal and traffic arrest/conviction histories, entering data to generate criminal and traffic court dockets, court information sheets and statistical reports. This section processes traffic violation citations, Ohio Crash Reports and applications for firearm transfers and registration.

PERSONNEL SECTION, directed by a civilian Director, maintains employee personnel records, monitors performance ratings and maintains a liaison between Police Department employees, the Employee Health Service and the Police psychologist. It monitors injured with pay (IWP) and sick with pay (SWP) time usage, maintains records concerning the Police Department's Affirmative Action Plan, prepares the Police Department's response to Equal Employment Opportunity complaints and coordinates personnel assignments.

Employee Relations Unit is responsible for employment contract administration. The unit sergeant is also responsible for acting as a liaison with bargaining units representing Department employees, personnel relations, police retirements and the preparation of documents or special personnel studies required by the Police Department.

YOUTH SERVICES SECTION, commanded by a captain, is responsible for the administration and services related to juveniles. Youth Services Section includes the Drug Abuse Resistance Education (DARE) Unit and School Resource Officer (SRO) Unit. This section is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The responsibility for participating in or supporting the agency's juvenile operations function is shared by all agency components and personnel.

**DARE Unit**, supervised by a sergeant, is responsible for implementing and coordinating the DARE program. Kindergarten through eighth grade classes are instructed by police officers in all Cincinnati Public schools and selected private schools. Fundamental courses are given to kindergarten through fourth grade students. The core of the program is taught to fifth grade students and upon successful completion they graduate from the DARE course. Reinforcement classes are then given to students in grades six through eight.

<u>School Resource Officer (SRO) Unit</u>, supervised by a sergeant, consists of uniformed personnel working in the schools providing community police services to the school population.

# 12.225 VEHICULAR CRASH REPORTING

### Reference:

Traffic Crash Report Procedures - State of Ohio Department of Highway Safety Ohio Revised Code 1533.121 - Deer Killed by Motor Vehicle Ohio Revised Code 2935.28 - Property Owners to be Provided with Names of Persons Charged with Damaging Their Property Procedure 12.035 - Reporting Police Vehicular Accidents and Damage Procedure 12.106 - University Air Care Helicopter Procedure 12.210 - Traffic Control: Major Thoroughfares Procedure 12.226 - Aircraft Crash Response and Reporting Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges Procedure 12.235 - Driving Under the Influence (DUI): Processing and Arrest Procedure 12.265 - Wrecker and Towing Procedure 12.270 - Impounding, Moving, and Release of Vehicles Procedure 12.435 - Reporting Conditions Affecting Other Departments - Form 318 Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release Manual of Rules and Regulations - 2.03 Standards Manual - 61.1.5, 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.3.2, 82.2.3, 82.2.4, 82.2.5, 83.2.6

### Purpose:

Assign responsibility for investigating and reporting vehicular crashes.

Ensure compliance with the State of Ohio Department of Highway Safety's Traffic Crash Report procedures.

## Policy:

Officers will conduct a thorough investigation and accurately document vehicular crashes while making every effort to ensure the safety of the community and return the roadway to a normal traffic pattern.

### Information:

A Vehicle Crash Report Log will be maintained at each district and will serve as the source for the crash report number to be entered on the Ohio Traffic Crash Report OH-1. After all crash report numbers from a log sheet have been used the sheet will be removed from the log and forwarded to the collator.

### Procedure:

- A. Investigation Assignment
  - 1. Traffic Unit is responsible for investigating and reporting the following vehicle crashes:
    - a. Fatal crashes
    - b. Potentially fatal crashes
    - c. Spectacular or unusual crashes requiring detailed and extensive investigation
    - d. Interstate highway crashes, if available
    - e. Hit-skip follow-up investigations
  - 2. Districts are responsible for investigating and reporting the following vehicle crashes:
    - a. Non-life threatening injury crashes
      - 1) Non-life threatening injuries can include broken bones, cuts, and bruises when vital signs indicate the victim is in no apparent danger.
    - b. Non-injury, property damage crashes
      - 1) This includes most hit-skip crashes and fender-bender type collisions
- B. Vehicular Crash Investigation
  - 1. The responding officer will:
    - Determine if there are injuries and if medical aid is necessary.
    - b. Request a supervisor if injuries are serious.

- c. Request Police Communications Section (PCS) dispatch fire rescue equipment if needed.
- d. Protect the crash scene.
- e. Have the drivers remove all vehicles from the roadway, if possible, and then complete all necessary paperwork.
  - 1) Under no circumstances will officers attempt to move a motor vehicle when the following circumstances exist:
    - a) A vehicle carrying Hazardous Materials (HAZMAT) has overturned or received significant structural damage.
    - b) The vehicle is involved in a fatality or potential fatality.
  - 2) Before having drivers remove vehicles from the roadway, ensure:
    - a) Any injuries will not increase in severity because of the movement.
    - b) The driver of the vehicle may legally operate the vehicle; i.e. the driver is not intoxicated, etc. Retain all driver licenses until the investigation is completed.
    - c) The vehicle has no major defects that may cause the driver to lose control.
    - d) The driver has full instructions as to where they are to exit the roadway and where to meet the investigating officer. Ensure that the place where they are to meet the investigating officer is a safe haven while they wait.
- f. Conduct a complete investigation.
  - Investigating officers will process any Polaroid photos taken at the crash scene as evidence to be held for court.

- a) Label each Polaroid including the OH-1 report number.
- g. Determine the need for other departments or agencies for such damage as gas leaks, down wires, damaged buildings, broken or down telephone poles, damaged fire hydrants, hazardous material spills, etc.
  - Notify District desk personnel of damage. District desk personnel will report damage to Public Works Customer Service by phone.
    - a) Public Works will determine the agency responsible for the property damaged and make the proper notification.
  - 2) Complete a Form 318, Conditions
    Affecting Other Departments Report,
    including the OH-1 Crash Report
    number when conditions require
    action by other city departments or
    the Ohio Department of
    Transportation.
    - a) Officers will forward the Form 318 and two copies to the district/unit collator with the OH-1 Crash Report.
      - 1] The original Form 318 will be forwarded and faxed to the Public Works Customer Service Office by the district/unit collator.
      - 2] The copies will be forwarded to the City Solicitor's Office and filed at the initiating unit by district/unit collator.
      - 3] The collator will forward a copy of the Form 318 to the Ohio Department of Transportation if conditions require action by that agency.

- 3) When a fire hydrant is struck, request the Fire Department respond to assess damage and handle necessary repairs.
- h. Request wreckers when needed.
- i. Have the drivers involved in the crash complete a Form 528, Driver or Person Involved in Accident, to exchange necessary information: name, address, telephone number, insurance information, vehicle information, etc.
  - When a crash causes damage to property, upon request of the property owner, the investigating law enforcement agency will provide the name of the driver if charged with a violation of a city ordinance or state statute.
    - a) Law enforcement agencies and their employees acting in good faith are not civilly liable.
  - 2) Refer requests for information or copies of completed OH-1 Crash reports to Records Section.
- j. If the crash involves city equipment, the responding officer will request a supervisor of the city driver involved respond to the scene.
  - The supervisor of the involved employee will complete the city accident form and indicate on it the findings of the investigating officer. Administrative action will be taken if the employee is found at fault.
- 2. Crashes involving an on-duty or off-duty police officer or in fatal, potentially fatal, serious injury, or unusual crashes, the investigating officer will request a supervisor respond to the scene. The supervisor will:
  - a. Determine if a Traffic Unit investigator is needed.

- b. Determine if the Night Chief or district officer in charge is needed.
- c. Ensure a complete investigation is made.
- 3. Reports at district stations
  - a. District personnel will prepare a Form OH-1 and other necessary forms when a citizen appears at the district to report a crash.
- 4. Reporting crashes on private property:
  - a. PCS will not dispatch police personnel to vehicular crashes on private property unless it involves an injury, hit skip, or the vehicles are not driveable.
    - 1) PCS will advise participants involved to respond to the nearest district to file a report.
    - 2) If dispatched to the scene of a vehicular crash on private property, the officer will make the report.
    - 3) Police personnel witnessing or coming upon the scene of a vehicular crash on private property will make the crash report.
- 5. Reporting crashes involving Hamilton County vehicles inside the city limits
  - a. Department personnel will investigate and complete a report for all auto accidents involving county vehicles inside the city limits.
  - b. PCS will notify Hamilton County Communications Center of all auto accidents involving county vehicles with serious injuries or fatalities.
    - 1) Hamilton County Sheriff's Office Traffic Section personnel may respond and monitor the auto accident investigation.

- C. Form OH-1, State of Ohio Traffic Crash Report
  - 1. The investigating officer must complete a Form OH-1 for all crashes which involve a motorist or non-motorist.
    - a. Complete a Hit Skip Supplementary Report Form 533, in all unsolved hit-skip crashes and attach it to the Form OH-1.
      - 1) Information on unsolved hit skip vehicles is recorded on the Form 533, not the OH-1 Crash Report.
      - 2) Upon completion of the report, the investigating officer will fax a copy of the OH-1, Hit Skip Form 533 (both sides) and any other pertinent information to the Traffic Unit.
  - 2. Print all information with a black ink ballpoint pen only.
  - 3. Obtain a crash report number from the Form 683, Vehicle Crash Report Log, located at each district.
    - a. The investigating officer will obtain this number from the district in which the crash occurred.
      - 1) This number may be obtained via telephone or MDT.
    - b. The investigating officer will insert the OH-1 crash report number on the crash report.
    - c. The investigating officer will leave a copy of completed fatal, unusual, or serious injury crash reports at the affected district. Traffic Unit will fax a copy of these types of crash reports to the affected district. Desk personnel will use these reports when releasing information to the news media.
      - 1) Crash reports will normally be available within three to five days at Records Section.
    - d. Off-duty detail officers will process the crash report upon completion of the

- detail at the district in which the detail was worked.
- e. Completed Crash Report Logs will be stored at the district of use and one copy of the completed log will be forwarded to Records Section.
  - 1) Records Section will verify the information on the log and return a completed copy to the affected district after being signed by a Records Section employee.
- 4. Before ending a tour of duty, the investigating officer must submit the completed Form OH-1 to his supervisor.
  - a. When an investigation extends beyond the investigator's tour of duty, the investigator will obtain authorization from a supervisor to continue working. At the discretion of the immediate supervisor, completion of the investigation and report may be assigned to the following shift.
- 5. A supervisor will review the completed crash report for accuracy and forward it to a collator. The collator will log the auto accidents on the Auto Accident Summary and forward to Crime Analysis by the 10<sup>th</sup> of each month. The collator will also ensure the reports are hand carried to Traffic Unit by 0900 hours each weekday.
- 6. Complete an Form OH-1, Ohio Traffic Crash Report Supplement, using the original report number if additional information is obtained after completing and forwarding the original report.
- 7. Police Records Section will separate and forward the top copies of pages 1-3 of the OH-1 and any supplemental reports to the Ohio Department of Public Safety. The bottom copies pages 1-3 and any supplemental reports will be forwarded to Traffic Engineering.
  - a. The information will be entered into the Optical Imaging System by Records Section prior to forwarding.

- D. Deer Killed by Motor Vehicle
  - Ohio Revised Code 1533.121 allows the release of a deer carcass to the driver of the vehicle hitting and killing the deer. If the driver does not want the carcass, it may be released to a public or private institution or charity. The following rules govern release of the deer carcass.
    - a. The driver must be an Ohio resident. The private or public institution or charity must be an Ohio institution or charity.
      - Hamilton County Communications
         Center has a list of institutions
         and charities willing to accept the
         deer carcass.
    - b. The crash that kills the deer is reported within 24 hours.
    - c. The driver, institution, or charity agrees not to sell or give away the deer. The driver and the driver's immediate family or the inhabitants of the institution or charity receiving it will eat the deer.
  - 2. If an individual comes to a district to report and claim a deer killed by a motor vehicle, the investigating officer should inspect the carcass to be sure the injuries are consistent with a motor vehicle accident (e.g., no gun shot wounds).
    - a. If the injuries are questionable or inconsistent with a motor vehicle accident, do not release the carcass and request PCS to contact a local Wildlife Officer.
    - b. Illegal deer killing is a violation of ORC 1531.02 and is a third degree misdemeanor.

- 3. Releasing a deer to the driver or charitable institution
  - a. Complete a Form 21, Ohio Division of Wildlife Deer Killed by Motor Vehicle. The officer will sign his name and badge number in the section for the Game Protector's signature.
    - Each district maintains a supply of the Form 21. Additional copies of the Form 21 are available at the Police Supply Unit.
  - b. Give the yellow copy of the Form 21 to the person or institution taking possession of the deer as a receipt for the carcass.
  - c. Attach the white copy of the Form 21 to the OH-1.
- 4. If neither the driver nor a charitable institution wants the deer, contact Public Works at 591-6010 to dispose of the carcass. Complete and forward the Form 21 to the Traffic Unit.
  - a. Traffic Unit will:
    - 1) Send a copy of the top portion of Form 21 to the Division of Wildlife (Xenia Office) biweekly.
    - Keep a copy of Form 21 for Department records.

# 19.145 EMPLOYEE PERSONNEL JACKETS

### References:

Procedure 18.120 - Release of Information and Public Records

Manual of Rules and Regulations - 9.26(B) Standards Manual - 26.1.8, 35.1.13

### Purpose:

To maintain accurate records of the performance of each Department employee to be utilized as a resource for career development and management of personnel.

## Policy:

Personnel jackets, medical jackets, and personnel information sheets will be created and maintained for all sworn and civilian Police Department employees.

#### Procedure:

- A. Personnel Jackets
  - 1. Personnel Section will create all Personnel Jackets.
    - a. Personnel Jackets will be stored and maintained at the Personnel Section.
  - 2. The Personnel Jacket will contain the following:
    - Personal history including previous employment and formal education of the employee.
    - b. Current photo of employee
    - c. Promotional information
    - d. Current and previous assignments
    - e. Auto accident information
    - f. Commendations
    - q. Performance ratings
    - h. Disciplinary actions

#### B. Personnel Information Sheet

- 1. Training Section will create the Personnel Information Sheets for Police Recruits.
- 2. Personnel Section will create the Personnel Information Sheets for civilian employees.
- 3. Personnel Information Sheets will include the following:
  - a. Name
  - b. Rank
  - c. SSN
  - d. DOB
  - e. Badge #
  - f. Employee ID number
  - q. Continuous Service Record
- 4. District/Section/Unit Responsibilities:
  - a. District/section/unit commanders will keep the Personnel Information Sheet in a binder in a secure location.
  - b. Districts/sections/units will complete the following sections on the Personnel Information Sheet:
    - 1) Firearm #
    - 2) Handcuff(s) #
    - 3) PR-24 #
    - 4) CDOP Helmet #
    - 5) Performance Ratings
      - a) The year and score will be completed only when notified by Personnel Section staff because an employee may have several separate ratings that require an average to calculate a final score.

## 6) Auto Accident Record

a) Complete when the original reports of the incident are concluded.

### 7) Commendations

a) When a district/section/unit receives a commendation for an employee, use the date of the commendation to fill in the year. Document cumulative commendations for that year with slashes (\). For example, \\ would mean three commendations received in 2003.

## 8) Disciplinary Action

- a) Enter the year disciplinary action is given to an employee. Disciplinary actions are described in Rule 9.26(B) of the Manual of Rules and Regulations and Disciplinary Process.
- b) Circle "Y" for Yes. Regardless of the number of disciplinary actions on file in any given year, the only indication will be a circled "Y." This means there is some form of disciplinary action on file in the original Personnel Jacket located at Personnel Section.
  - 1] Purge disciplinary files only when directed by the Personnel Section, in accordance with the terms of the current labor agreements.

## 9) Miscellaneous

- a) Use this section to indicate:
  - 11 SWAT member
  - 2] Sign language skills

- 3] An employee has been granted an exemption to grooming standards.
- 4] Other information considered valuable for quick retrieval about the employee.
- c. Do not indicate an officer qualified during the year at the Firearms Training Unit, or attended various training programs. This information is on file at the Training Section.
- d. Do not keep other papers in the Personnel Information Sheet binder.

## 5. Transfer of Personnel

- a. Upon transfer of an employee, the district/section/unit commander will forward the Personnel Information Sheet and the duplicate Medical Jacket to the Personnel Section.
  - 1) Personnel Section will examine all jackets for accuracy and forward the Personnel Information Sheet and the duplicate Medical Jacket to the employee's next district/section/unit commander.

### C. Medical Jackets

- 1. Personnel Section will create and maintain all original Medical Jackets.
- 2. All districts/sections/units will receive a duplicate Medical Jacket from Personnel Section and maintain the duplicate Medical Jacket for each employee.
- 3. Medical Jackets are considered confidential and are subject to viewing only under the following circumstances when:
  - a. Supervisors may be told about necessary restrictions or accommodations on the work or duties of the employee.
  - b. First aid and safety personnel may be told, when appropriate, if the disability might require emergency treatment.

- c. Needed for the management of sick leave benefits.
- d. Government officials investigating compliance with the Americans With Disabilities Act (ADA) must be given relevant information on request.
- e. The employee who is the subject of the jacket requests to view it.
- 4. Refer anyone requesting information from the Medical Jacket for any other reason to Personnel Section.
- D. Recording Change in Residence, Telephone Number, or Marital Status
  - 1. The bureau/district/section/unit will record any of the above changes on a Change in Personal Information report (Form 31P).
  - 2. Employee and supervisor signatures are required on all Forms 31P.
  - 3. The employee's unit of assignment will make the necessary changes in its own records.
  - 4. Route the completed Form 31P to the Personnel Section, via the chain of command, for data entry and filing.